

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CESARI S.R.L., an Italian Limited Liability
Company,

Plaintiff,

v.

PEJU PROVINCE WINERY L.P., a California
Limited Partnership, PEJU FAMILY
OPERATING PARTNERSHIP, L.P., a
California Limited Partnership, and PEJU
PROVINCE CORPORATION, a California
Corporation

Defendants.

CASE NO: 1:17-cv-00873-NRB

[PROPOSED] ORDER

NAOMI REICE BUCHWALD, U.S.D.J.:

This matter came before the Court on Plaintiff's unopposed application under Fed. R. Civ. P. 21 to drop from the case Defendant Peju Province Corporation. The application is made on the grounds that the remaining Peju Defendants, specifically Defendants Peju Province Winery L.P. and Peju Family Operating Partnership L.P. ("Remaining Defendants"), have agreed they will not claim in this action that Defendant Peju Province Corporation was the seller of any of the infringing wines. Based on that representation, the presence of Defendant Peju Province Corporation no longer affects the issues being litigated.

The Court has been advised that the parties reached this agreement solely for the purpose of narrowing the issues in the case, and that this voluntary request for the


dismissal of Defendant Peju Province Corporation will not be a ground upon which any party may claim costs and fees against Plaintiff under Fed. R. Civ. P. 68, the Lanham Act, or any other rule or provision.

Having considered Plaintiff's unopposed request, the joint letter submitted by Plaintiff and Defendants regarding Plaintiff's request, the Court hereby orders as follows:

ORDERED that Defendant Peju Province Corporation and all claims in Plaintiff's First Amended Complaint against Defendant Peju Province Corporation only are hereby dismissed from this action with prejudice pursuant to Fed. R. Civ. P. 21, without costs and fees.

IT IS SO ORDERED.

Dated: ^{October} September 5, 2021
New York, New York


Naomi Reice Buchwald
United States District Judge